

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DANIEL R. SMITH,	)
	)
Plaintiff,	)
	)
v.	) Civil Action No. 00-1281
	) Judge Schwab
PHILLIP JOHNSON, TIM COLLINS	) Chief Magistrate Judge Caiazza
	) In Re:
Defendants.	)

**CASE MANAGEMENT ORDER**

IT IS HEREBY ORDERED that motions for summary judgment, shall be filed by February 20, 2007, accompanied by a memorandum of law.

IT IS FURTHER ORDERED, that briefs in response to said motions shall be filed by March 20, 2007.

The Plaintiff is advised that his response to the motion may include opposing or counter affidavits (executed by the plaintiff or other persons) which have either been sworn to under oath (notarized) or which include at the end of the document, immediately before the Plaintiff's signature, the following language in accordance with 28 U.S.C. § 1746: "I declare under penalty of perjury that the foregoing is true and correct. Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2007."

IT IS FURTHER ORDERED that all affidavits, opposing or counter affidavits must be based upon the personal knowledge of the person executing the affidavit; that no affidavit, amended complaint, pretrial narrative or other document containing plaintiff's

allegations will be considered when determining the motion for summary judgment unless it has been notarized before a notary public or unless it contains a declaration under penalty of perjury as set forth supra; that plaintiff may attach to his affidavit copies of any depositions, answers to interrogatories, institutional records or other documents he wishes this court to consider when addressing the summary judgment motion; and that the motion for summary judgment will be evaluated under the procedure standard set forth in Rule 56 of the Federal Rules of Civil Procedure; and that failure to respond may result in entry of judgment against him.

IT IS FURTHER ORDERED that parties shall serve on the opposing counsel a copy of each pleading or other document submitted for consideration by the court and shall include with each document filed a certificate stating the date a true and correct copy of the pleading or document was mailed to each party. Any pleading or other document received by a district judge or magistrate judge which has not been filed with the Clerk or which fails to include a certificate of service shall be returned to the plaintiff by the Clerk.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Rule 72.1.3(B) of the Local Rules for Magistrates. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

s/Francis X. Caiazza

Honorable Francis X. Caiazza  
United States Magistrate Judge

DANIEL R. SMITH, BM-1187  
SCI Fayette,  
P.O. Box 9999  
LaBelle, PA 15450-0999

Mary Lynch Friedline